

# **UNDT/2011/084, Simmons**

## **UNAT Held or UNDT Pronouncements**

The e-PAS report for 2007-2008. The Applicant's behaviour was not appropriate or cooperative, placing her first reporting officer in a difficult position. Nevertheless, under ST/AI/2002/3, it is the duty of the first reporting officer, as well as the head of department and managers with supervisory authority, to make sure that the staff member's individual work plan is completed on time, and the Organization remains ultimately responsible for the implementation of the e-PAS system. The e-PAS report for 2008-2009. A one-year delay in signing-off on an e-PAS report is clearly improper under sec. 9 of ST/AI/2002/3, which explicitly stipulates that the appraisal should be made "[a]t the end of the performance year". Selection processes. For a candidate to be successful in a selection exercise regulated by ST/AI/2006/3, s/he had to pass several hurdles prescribed in secs. 7.4 and 7.5 of ST/AI/2006/3. For the first process, the Applicant failed to do so, since the interview panel found that she did not possess the necessary competencies for the post. Concerning the second process exercise, the Applicant applied too late in time and after the process had actually been completed. Outcome: Applicant awarded USD500 for the delay in her e-PAS report for 2007-2008, the sum of USD3,000 for the delay in her e-PAS report for 2008-2009.

## **Decision Contested or Judgment/Order Appealed**

The case concerns: (1) whether the Respondent violated the Applicant's employment contract when preparing and/or completing her e-PAS reports for 2007-2008 and 2008-2009; and (2) whether the Respondent's handling of the selection processes for two posts for which the Applicant was not selected, for various reasons, constituted a breach of her employment contract.

## **Legal Principle(s)**

N/A

## Outcome

Judgment entered for Applicant in full or in part

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Simmons

## Entity

UN Secretariat

## Case Number(s)

UNDT/NY/2009/084/JAB/2009/048

## Tribunal

UNDT

## Registry

New York

## Date of Judgement

16 May 2011

## Duty Judge

Judge Kaman

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Performance management

Performance evaluation

Staff selection (non-selection/non-promotion)

Interview

## Applicable Law

Administrative Instructions

- ST/AI/2002/3

## Related Judgments and Orders

UNDT/2011/085

2010-UNAT-094

2010-UNAT-096